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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/697,063

10/30/2003

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EXAMINER

NEWTON, JARED W

ART UNIT

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3693

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/697,063	<b>Applicant(s)</b> MUSSELWHITE, EUGENE M.	
	<b>Examiner</b> JARED W. NEWTON	<b>Art Unit</b> 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/30/03</u> .                                                | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 17-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims depend from claim 12, which recites, "An article of manufacture..." However, the claims are drawn to a method, and therefore claim more than one statutory class of invention.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 17-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 17-21 recite the limitation "The method." There is insufficient antecedent basis for this limitation in the claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 10-16, 20 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,581,105 to Miloslavsky et al. (hereafter Miloslavsky).

In regard to claim 1, Miloslavsky discloses a system and method for facilitating the exchange of information between human users in a networked-computer environment, said method comprising the steps of:

receiving an information request or query from a human user via a user email account, wherein the information request does not specify a source from which the requested information can be obtained (see col. 35, lines 41-56);

soliciting the requested information from a database of qualified consultants (see col. 35, line 57 – col. 36, line 27);

determining whether a qualified consultant user wishes to provide the requested information (see id; see also claim 7);

receiving the requested information from the qualified consultant via a computer (see col. 37 lines 57-63); and

sending the requested information to the customer user via the customer's email account (see id.).

In regard to claim 2, Miloslavsky discloses a system and method for facilitating the exchange of information between human users in a networked-computer environment, said method comprising the steps of:

receiving an information request or query from a human user via a user email account, wherein the information request does not specify a source from which the requested information can be obtained (see col. 35, lines 41-56);

soliciting the requested information from a database of qualified consultants (see col. 35, line 57 – col. 36, line 27);

determining whether a qualified consultant user wishes to provide the requested information (see id; see also claim 7);

receiving the requested information from the qualified consultant via a computer (see col. 37 lines 57-63); and

sending the customer user notification that information is available via the customer's email account (see id.).

In regard to claim 3, Miloslavsky further discloses the step of screening consultants based on certain criteria (see col. 35, lines 57-65; see also col. 37, lines 36-51).

In regard to claim 4, Miloslavsky further discloses said criteria including the experience of the consultant (see id.).

In regard to claim 5, the method of Miloslavsky further includes the step of accessing the database to obtain the requested information (see e.g. claim 1).

In regard to claim 6, Miloslavsky further discloses that database as accessed via a hyperlink to the database user interface (see col. 12, lines 5-44).

In regard to claim 10, Miloslavsky further discloses the requested information as solicited from qualified consultants via an email information request generated by the database (see col. 35, lines 57-65).

In regard to claim 11, Miloslavsky further discloses the email information request as not identifying the user.

In regard to claims 12-16, 20 and 21, the article of manufacture and method set forth are deemed anticipated by the Miloslavsky reference as applied to claims 1-6, 10 and 11 above. Miloslavsky discloses the method set forth and further discloses said method as implemented via a computer system including a computer readable medium having machine executable instructions thereon.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavsky as applied to claims above, alone.

In regard to claims 7-9, Miloslavsky discloses the method set forth above. Miloslavsky further discloses the language of the incoming email as a criterion for

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routing the email to a particular consultant (see col. 37, lines 36-51), but does explicitly disclose the translation of an incoming query from an origin language to a target language before said query is made available to a consultant. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide as a step in the method of Miloslavsky a translation of incoming email communication from the origin language to a target language. Motivation for such a step would be to facilitate the answering of such a query when there is not an available consultant fluent in the language of the incoming communication. In further regard to claims 8 and 9, it would have been further obvious to translate the incoming/outgoing communication from/to a non-English language, such as Chinese.

In regard to claims 17-19, the article of manufacture and method set forth are deemed obvious over the Miloslavsky reference as applied to claims 7-9 above. Miloslavsky discloses the method set forth and further discloses said method as implemented via a computer system including a computer readable medium having machine executable instructions thereon.

With respect to the above rejections, the Examiner has cited particular portions of the reference(s), and although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the Applicant consider each cited reference in its entirety as potentially teaching the limitations of the claimed invention.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US Patent Application Publication No. 2001/0040887 to Shtivelman et al.
- US Patent Application Publication No. 2002/0105550 to Biebesheimer et al.
- US Patent Application Publication No. 2002/0194272 to Zhu
- US Patent Application Publication No. 2003/0028464 to Kosinski
- US Patent Application Publication No. 2003/0229522 to Thompson et al.
- US Patent No. 6,597,685 to Miloslavsky et al.
- US Patent No. 7,103,556 to Del Rey et al.
- "AUTHORIA: ATK chooses Authoria to deliver superior quality of employee services." M2 Presswire. Coventry: May 23, 2001. pg. 1.
- Morris, "401(k) Education: A critical investment. Compensation & Benefits Management." New York: Spring 2001. Vol. 17, Iss. 2; pg. 58.
- Ambrose, "Leveraging technology via knowledge portals." Compensation and Benefits Review. Saranac Lake: May/Jun 2001. Vol. 33, Iss. 3; pg. 43.
- Editors, "KeyCorp Implements Authoria HR to Provide Comprehensive Single Source Benefits Solution." Business Wire. New York: Oct 16, 2001. pg. 1.



- O'Connell, "401(k) Hits the Internet The Web is making it easier for companies to offer employee retirement accounts." Bank Technology News. New York: May 2001. Vol. 14, Iss. 5; pg. 1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JARED W. NEWTON whose telephone number is (571)272-2952. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/  
Supervisory Patent Examiner, Art Unit 3693

JWN  
January 28, 2008